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10/064,477	07/18/2002	Andrew E. Fano	3383600003	9683
30498	7590	07/26/2007		
ACCENTURE				EXAMINER
C/O VEDDER PRICE KAUFMAN & KAMMHLZ, P.C.				NGUYEN, CINDY
222 NORTH LASALLE STREET				
CHICAGO, IL 60601				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/064,477	FANO, ANDREW E.
	Examiner Cindy Nguyen	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 May 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 10-25, 27, 29 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10-25, 27, 29 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This is in response to amendment filed 05/15/07.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 8, 10-20, 23- 25, 27, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Cobbley et al. (US 5818510) (hereafter Cobbley).

Regarding claims 1 and 27, Cobbley discloses: A method and an apparatus for media indexing comprising: capturing a subject in a media file with a media capture device( 112, fig. 1 and the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley );

automatically receiving, by the media capture device (112, fig. 1), index information separate from the media file from an external source (105, fig. 1) related to the subject (i.e., Index data capture device receives the broadcast information from broadcast receiver 110 and obtains the indexing information from the broadcast information, col. 6, lines 12-25, Cobbley); and

associating the index information with the media file (the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Cobbley discloses: wherein the step of associating the index information with the media file further comprises: encoding the index information into the media file (i.e., index data capture device 112 converts the broadcast information to digital form prior to performing the recognition, col. 6, lines 27-32, Cobbley).

Regarding claims 3 and 15, all the limitations of these claims have been noted in the rejection of claims 1 and 13. In addition, Cobbley discloses: further comprising: providing the media file and the index information to a media file storage device (130, fig. 1) which comprises a plurality of stored media files having index information associated therewith (the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to

col. 4, lines 12, Cobbley ); and storing the media file along with the plurality of stored media files (i.e., cache manager 125 stores the indexing information segment of the video and audio data stored in cache 130, col. 7, lines 39-42, Cobbley).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. In addition, Cobbley discloses: wherein the media file storage device stores the media file and index information, the method further comprising at least one of the following: searching the plurality of stored media files using the index information and enabling a commercial system with the plurality of stored media files using the index information ( i.e., the user of a client system 140 may also search for particular news titles, such as professional sports team name, to client system 140..., col. 10, lines 26-42, Cobbley).

Regarding claim 5 , all the limitations of this claim have been noted in the rejection of claim 1. In addition, Cobbley discloses: wherein the index information, prior to being associated with the media file, is transmitted from a media indexing beacon (i.e., broadcast source 105 may be any of a wide variety of conventional signal broadcasting devices, such as a satellite dish, a radio or television transmitter, broadcast source transmits to broadcast receiver 110, col. 3, lines 35-47, Cobbley ).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 5. In addition, Cobbley discloses: wherein the step of receiving the index

information is in response to an index information request (i.e., end user requests a particular segment stored in caches 130, such as by the title or keywords, the cache manager 125 is able to quickly retrieve the most recent version of the requested information and return it to the user, col. 8, lines 8-15, Cobbley ).

Regarding claim 8, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Cobbley discloses: storing index information relating to a subject (i.e., cache manager 125 stores the indexing information segment of the video and audio data stored in cache 130, col. 7, lines 39-42, Cobbley);

receiving an index information request that is generated by a media capture device (112, fig. 1 and index data capture device 112 receives the broadcast information from broadcast receiver and obtains the indexing information from the broadcast information, col. 6, lines 12-32, Cobbley );

transmitting the index information relating to the subject separately to a media capture device (112, fig. 1 and index data capture device 112 receives the broadcast information from broadcast receiver and obtains the indexing information from the broadcast information, col. 6, lines 12-32, Cobbley ).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Cobbley discloses: wherein the media capture device receives the index information and associates the index information with a media file (the indexing information includes: a title, a program segment the store is associated

with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley ).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Cobbley discloses: wherein the index information is wirelessly transmitted to the media capture device (col. 10, lines 35-48, Cobbley).

As per claim 13, all the limitations of this claim have been noted in the rejection of claims 1 and 5. It is therefore rejected as set forth above.

Regarding claims 7, 12 and 17, all the limitations of these claims have been noted in the rejection of claims 1 and 8 and 13 above, respectively. In addition, Cobbley discloses: wherein the index information comprises at least one of the following: a time indicator, a landmark indicator, an event indicator, a global positioning system indicator, commercial information, a universal resource locator, and a proximity indicator (the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley ).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Cobbley discloses: prior to providing index information from the media indexing beacon, further comprising detecting, by a media capture device, a user input to capture the media file (i.e., this teleprompter can be a computer system with the text to

be read by the newscaster being input to the computer system prior to broadcasting the news report,... when this subject matter information is input into the TelePrompTer, an indication is made that this text is indexing information which should be transmitted along with the video and audio broadcast, col. 4, lines 25-37 , Cobbley); and providing, by a media capture device, an index information request to the media indexing beacon (i.e., Index data capture device receives the broadcast information from broadcast receiver 110 and obtains the indexing information form the broadcast information, col. 6, lines 12-25 , Cobbley ).

As per claim 16, all the limitations of these claims have been noted in the rejection of claims 3, 4 and 15. It is therefore rejected as set forth above.

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17. In addition, Cobbley discloses: wherein the index information enables a media file to be utilized by at least one commercial system, wherein the at least one commercial system comprises at least one of the following: a workflow system, a procurement system, a retail sales system, and a safety inspection/auditing system (client system 140, fig. 1, Cobbley ).

Regarding claim 19, Cobbley discloses: a media capture and indexing system comprising a media indexing beacon (external trigger or signal) which generate a beacon signal containing index information relating to a subject (i.e., the indexing information may be generated and input into the broadcast stream automatically by the broadcast source, col. 4, lines 25-35 , Cobbley ); and

a media capture device that captures the subject in a media file and separately receives the beacon signal from the beacon and associates the index information with the media file (i.e., Index data capture device receives the broadcast information from broadcast receiver 110 and obtains the indexing information from the broadcast information, col. 6, lines 12-25 , and col. Cobbley )

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19. In addition, Cobbley discloses: wherein the media capture device captures a plurality of media files each having index information associated therewith(the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley ), the system further comprising: a media file storage device (130, fig. 1) that receives the plurality of media files, wherein the plurality of media files may be indexed on the index information (i.e., cache manager 125 stores the indexing information segment of the video and audio data stored in cache 130, col. 7, lines 39-42, Cobbley).

As per claim 23, all the limitations of this claim have been noted in the rejection of claim 19. in addition, Cobbley discloses: a media input module which generates a media file in response to a media file generation request;

A processor (110, fig. 1) operably coupled to the media input module to receive the media file (107, 100, fig. 1 and corresponding text, Cobbley); and

An index information receiver(112, fig. 1) operably coupled to the processor, wherein the index information receiver receives the beacon signal and provides the index information to the processor (i.e., index data capture device 112 receives the broadcast information from broadcast receiver..., col. 6, lines 12-25, Cobbley), wherein the processor associated the index information with the media file (the indexing information includes: a title, a program segment the store is associated with and a set of subject matter keywords which describe key aspects of the story segment, col. 3, lines 65 to col. 4, lines 12, Cobbley ).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 23. In addition, Cobbley discloses: wherein the index information receiver further contains a transmitter that transmits an index information request to the media indexing beacon (i.e., broadcast source 105 may be any of a wide variety of conventional signal broadcasting devices, such as a satellite dish, a radio or television transmitter, broadcast source transmits to broadcast receiver 110, col. 3, lines 35-47, Cobbley ).

As per claims 25 and 29, all the limitations of these claims have been noted in the rejection of claims 1 and 8. It is therefore rejected as set forth above.

Regarding claim 32, all the limitations of this claim have been noted in the rejection of claim 27. In addition, Cobbley discloses: wherein the apparatus comprises a digital camera (i.e., capture devices, 115, 112, fig. 1) and wherein the means for receiving index information includes a wireless receiver (i.e., signal broadcasting devices, radio or television transmitter, col. 3, lines 35-40, Cobbley).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (US 5818510) (Cobbley) in view of Katseff et al. (US 5822537) (Katseff).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claims 11 and 19. However, Cobbley didn't disclose: wherein the media indexing beacon further comprises: at least one index buffer comprising the index information; and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device. On the other hand, Katseff discloses: wherein the media indexing beacon further comprises: at least one index buffer comprising the index information (col. 15, lines 16-37, Katseff); and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device (310, fig. 3 and corresponding text, Katseff). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein the media indexing

beacon further comprises: at least one index buffer comprising the index information; and a transmitter operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device in the system of Cobbley as taught by Katseff. The motivation being to enable the system provide a data buffer monitoring subroutine to maintain a pre-defined amount of audio and video data in the audio and video buffers.

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 21. In addition, Cobbley /Katseff discloses: wherein the media indexing beacon further comprises a receiver that receives an index information request from the media capture device (112, fig. 1 and index data capture device 112 receives the broadcast information from broadcast receiver and obtains the indexing information from the broadcast information, col. 6, lines 12-32, Cobbley ), wherein the transmitter transmits the index information in response to the index information request (i.e., broadcast receiver 110 transfers the received broadcast information to index data capture device, col. 4, lines 50-55, Cobbley).

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu A. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cindy Nguyen

A handwritten signature in black ink, appearing to read "Cindy Nguyen".